



U.S. Department of Justice
Immigration and Naturalization Service

HQADN 70/23.1

Office of the Executive Associate Commissioner

425 I Street NW
Washington, DC 20536

May 30, 2001

MEMORANDUM FOR REGIONAL DIRECTORS

FROM: Michael A. Pearson /s/
Executive Associate Commissioner
Office of Field Operations

SUBJECT: LIFE Legalization Filings (Adjustment of Status Under Section 245A, as Modified by the Legal Immigration Family Equity Act of 2000 (LIFE Act) and Applications for Family Unity Benefits Pursuant to the LIFE Act Amendments).

Purpose

The purpose of this memorandum is to provide initial guidance concerning the filing of adjustment of status applications under section 245A of the Immigration and Nationality Act (Act) as modified by the Legal Immigration Family Equity Act (LIFE Act) and the LIFE Act Amendments of 2000. This memorandum also provides initial guidance concerning the filing of applications for Family Unity benefits pursuant to the LIFE Act Amendments. The LIFE Act is found in Title XI of H.R. 5548, Public Law 106-553, enacted on December 21, 2000, and the LIFE Act Amendments are found in Title XV of H.R. 5666, Public Law 106-554, enacted on December 21, 2000. This memorandum discusses how section 245A of the Act has been modified and how the Immigration and Naturalization Service (Service) will process applications filed pursuant to the LIFE Act. This memorandum also discusses the eligibility requirements for Family Unity benefits and how aliens should apply for these benefits. The LIFE Legalization interim regulation is scheduled to be published in the Federal Register on June 1, 2001.

Background

On November 6, 1986, the President signed into law the Immigration Reform and Control Act of 1986 (IRCA), Public Law 99-603. Section 201 of IRCA created a "legalization" program under section 245A of the Act, that allowed for certain aliens to apply for adjustment to temporary resident status, and later to lawful permanent resident status. To be eligible, an alien needed to establish that he or she entered the United States before January 1, 1982, and that he or she resided continuously in the United States in an unlawful status since such date through the date that his or her application was filed. Aliens who entered the United States without

Subject: LIFE Legalization Filings (Adjustment of Status Under Section 245A, as Modified by the Legal Immigration Family Equity Act of 2000 (LIFE Act) and Applications for Family Unity Benefits Pursuant to the LIFE Act Amendments).

inspection and certain nonimmigrants were eligible to apply under IRCA. The legalization program had a 1-year application period that began on May 5, 1987, and ended on May 4, 1988.

There are three class action lawsuits that involved claims by aliens who were unsuccessful in applying for legalization under the IRCA legalization program: Catholic Social Services, Inc. v. Meese, vacated sub nom. Reno v. Catholic Social Services, Inc., 509 U.S. 43 (1993) (CSS), League of United Latin American Citizens v. INS, vacated sub nom. Reno v. Catholic Social Services, Inc., 509 U.S. 43 (1993) (LULAC), and Zambrano v. INS, vacated, 509 U.S. 918 (1993) (Zambrano). The aliens in CSS, LULAC, and Zambrano argued that either their claims were denied or that they were discouraged from applying.

Eligibility

The LIFE Act provides certain aliens who applied for class membership in the CSS, LULAC, or Zambrano lawsuit the ability to apply to adjust status to that of a lawful permanent resident. Applicants for adjustment of status under the LIFE Act (LIFE Legalization) will need to establish that:

- Before October 1, 2000, they filed with the Attorney General a written claim for class membership, with or without filing fee, in the CSS, LULAC, or Zambrano lawsuit;
- They entered the United States before January 1, 1982, and resided continuously in the United States in an unlawful status since such date through May 4, 1988;
- They were continuously physically present in the United States during the period beginning on November 6, 1986, and ending on May 4, 1988;
- They are admissible to the United States;
- They have not been convicted of a felony or of three or more misdemeanors committed in the United States;
- They have never assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion; and
- They can meet basic citizenship skills or are satisfactorily pursuing a course of study to achieve these basic citizenship skills.

It must be noted that even if an alien filed a proper claim for class membership and was denied class membership by the Service, he or she will still be eligible to apply for LIFE Legalization.

Filing

The LIFE Act provides a 1-year application period that will begin on June 1, 2001.

Subject: LIFE Legalization Filings (Adjustment of Status Under Section 245A, as Modified by the Legal Immigration Family Equity Act of 2000 (LIFE Act) and Applications for Family Unity Benefits Pursuant to the LIFE Act Amendments).

Applicants will use the Form I-485, Application to Register Permanent Residence or Adjust Status, when filing for LIFE Legalization. A Form I-485 Supplement D was drafted to provide filing instructions and is attached to this memorandum. The Form I-485 Supplement D is also available through the Service's Web site and through the Service Forms Centers. As there are notable differences between filing a Form I-485 for LIFE Legalization and filing a Form I-485 for any other purpose (i.e., applications can be filed from abroad, the filing fee for LIFE Legalization is \$330, and applications for LIFE Legalization must be filed with a designated "lockbox" address), the Form I-485 Supplement D should be read by all applicants **before** submitting their applications.

If your office receives a Form I-485 for LIFE Legalization via the mail, or has already accepted such an application for LIFE Legalization, attach a completed Routing Slip Coversheet (attached to this memorandum) and forward the package to the lockbox address (P.O. Box 7216, Chicago, IL 60607-7216). If an alien attempts to file a Form I-485 for LIFE Legalization in person, provide him or her with the Form I-485 Supplement D and instruct the alien to file the Form I-485 and supporting documents with the lockbox address.

Unlike other Form I-485 applications, the Service will allow LIFE Legalization applications postmarked by the United States Postal Service (USPS) on or before the closing date of the application period to be deemed to be timely filed. If a USPS postmark is missing or illegible, use the date of actual receipt of the application. If an application has both a postmark made by the USPS and by other than the USPS, use the date of the postmark made by the USPS. If an application has both a foreign postmark and a subsequent postmark made by the USPS, use the date of the foreign postmark. Additional guidance will be provided in a future memorandum when the application period is about to end.

Adjudication

Applications for LIFE Legalization benefits will be mailed to a lockbox address in Chicago, IL, irrespective of the place of residence of the applicant. The lockbox facility will perform fee collection, deposit, receipt and data entry of all applications filed under this provision. The lockbox will then forward all LIFE Legalization applications to the Missouri Service Center (MSC) for initial processing.

The Director of the MSC will determine whether the applicant meets certain basic eligibility requirements. Specifically, the application will be reviewed to determine if the applicant registered as a class member in one of the aforementioned lawsuits prior to October 1, 2000. The Director of the MSC may issue a Notice of Intent to Deny the application when the file lacks sufficient evidence to establish that the applicant registered as a class member

Subject: LIFE Legalization Filings (Adjustment of Status Under Section 245A, as Modified by the Legal Immigration Family Equity Act of 2000 (LIFE Act) and Applications for Family Unity Benefits Pursuant to the LIFE Act Amendments).

prior to that date. That notice will provide the applicant the opportunity to submit evidence to overcome the grounds for denial. If the applicant does not respond or does not submit sufficient evidence to establish eligibility under this criterion, the Director of the MSC will issue a Notice of Denial.

If the Director of the MSC is satisfied that the applicant timely registered as a class member, the MSC will process applications for employment authorization and advance parole, if filed with the Form I-485. Once the application has been included in the applicant's A-file and fingerprint results have been received from the FBI, the case will be forwarded to the district office having jurisdiction over the applicant's place of residence. The district office will be responsible for conducting an interview with the LIFE Legalization applicant to determine the applicant's basic citizenship skills and to determine if all other eligibility criteria have been met.

As mentioned above, the LIFE Act allows for LIFE Legalization applications to be filed from abroad. As with other applicants for LIFE Legalization, the Director of the MSC shall determine eligibility under the "class membership registration" criteria, and then either deny the application or refer it to the district office for final adjudication. The Service will discuss, in a separate rulemaking at a later date, how LIFE Legalization applicants will be admitted into the United States for their interviews. Nothing in this memorandum should be construed to permit aliens to be admitted into the United States to file for LIFE Legalization.

During pendency of application

The LIFE Act allows for eligible aliens applying from within the United States to receive employment authorization and travel privileges while their applications are pending with the Service.

Those LIFE Legalization applicants wishing to receive employment authorization must file Form I-765, Application for Employment Authorization, with fee, with the same lockbox address with which the Form I-485 was filed. Unless the Service has evidence that indicates ineligibility due to criminal grounds of inadmissibility, an application for adjustment of status shall be treated as a prima facie application during the pendency of application once the Service has determined that the alien is an "eligible alien" (defined in the regulations as an alien who filed a written claim for class membership with the Attorney General in the CSS, LULAC, or Zambrano lawsuit before October 1, 2000). The Service will then issue an Employment Authorization Document (EAD) to be valid for one year.

Those LIFE Legalization applicants wishing to receive travel privileges should file Form I-131, Application for Advance Parole, with fee, with the same lockbox address with which the

Subject: LIFE Legalization Filings (Adjustment of Status Under Section 245A, as Modified by the Legal Immigration Family Equity Act of 2000 (LIFE Act) and Applications for Family Unity Benefits Pursuant to the LIFE Act Amendments).

Form I-485 was filed. Unless the Service has evidence that indicates ineligibility due to criminal grounds of inadmissibility, an application for adjustment of status shall be treated as a prima facie application during the pendency of application once the Service has determined that the alien is an “eligible alien” (defined in the regulations as an alien who filed a written claim for class membership with the Attorney General in the CSS, LULAC, or Zambrano lawsuit before October 1, 2000). The Service will issue advance parole to the alien. A LIFE Legalization applicant returning from abroad with advance parole will be entitled to return. A LIFE Legalization applicant returning from abroad without advance parole may be subject to removal or expedited removal proceedings and may have to await the processing of the LIFE Legalization application from abroad. As such, LIFE Legalization applicants should be encouraged to submit a Form I-131 prior to any foreign travel.

It should be noted that an alien who is under a final order of exclusion, deportation, or removal and who departs from the United States would be a “self-deport” and would be subject to the inadmissibility provisions of section 212(a)(9) of the Act. This is true regardless of whether the alien obtained a Form I-512, Authorization for Parole of an Alien Into the United States (advance parole), prior to departure. While being inadmissible would not preclude the alien from being *paroled* into the United States, it would preclude the alien from being *admitted* to the United States or being granted an adjustment of status, unless the alien first applied for and was granted permission to reapply for admission into the United States on Form I-212, Application for Permission to Reapply for Admission Into the United States After Deportation or Removal.

Family Unity

The LIFE Act Amendments provide that certain spouses and unmarried children of aliens eligible for LIFE Legalization receive Family Unity benefits. To be eligible for Family Unity benefits under the LIFE Act Amendments, an alien must:

- Currently be the spouse or unmarried child of an alien eligible for LIFE Legalization;
- Have entered the United States before December 1, 1988, and have been residing in the United States on such date; and
- Currently be in the United States.

For purposes of establishing eligibility as an unmarried child, the applicant must demonstrate that he or she was not 21 years or older on or before the date of adjudication of the Form I-817, Application for Family Unity Benefits.

Until further notice, when applying for Family Unity benefits, an applicant need only establish that the spouse or parent through whom they are claiming eligibility is an “eligible

Subject: LIFE Legalization Filings (Adjustment of Status Under Section 245A, as Modified by the Legal Immigration Family Equity Act of 2000 (LIFE Act) and Applications for Family Unity Benefits Pursuant to the LIFE Act Amendments).

alien,” not that the “eligible alien” has applied for LIFE Legalization.

The LIFE Act Amendments also provide Family Unity benefits to certain spouses and unmarried children of aliens who adjusted their status to lawful permanent resident pursuant to LIFE Legalization and who are no longer present in the United States. The Service will discuss in a separate rulemaking at a later date the procedures for granting Family Unity benefits to an otherwise eligible alien who is no longer present in the United States.

Filing

Applicants for Family Unity benefits must use the Form I-817. The Form I-817 should be filed with the LIFE Legalization lockbox address and will be adjudicated at the Missouri Service Center. If your office receives a Form I-817 for Family Unity benefits pursuant to the LIFE Act Amendments via the mail, or has already accepted such an application for Family Unity benefits, attach a completed Routing Slip Coversheet and forward the package to the lockbox address. If an alien attempts to file a Form I-817 for Family Unity benefits pursuant to the LIFE Act Amendments in person, instruct the alien to file the Form I-817 and supporting documents with the lockbox address.

Benefits

If the Missouri Service Center Director determines that an applicant is eligible for Family Unity benefits, the applicant will receive an EAD valid for a period of 1 year. During the 1-year validity period of the EAD, the Family Unity beneficiary will also receive protection from removal provided that the grounds of removal are specified in:

- Section 237(a)(1)(B) (aliens present in the United States in violation of the Act or any other law of the United States);
- Section 237(a)(1)(C) (aliens who violated their nonimmigrant status or violated the conditions of entry);
- Section 237(a)(3)(A) (aliens who failed to comply with the change of address notification requirements of the Act); or
- Section 237(a)(1)(A) of the Act (aliens who were inadmissible at the time of entry) unless it relates to a ground of inadmissibility described in section 212(a)(2) (criminal and related grounds) or section 212(a)(3) (security and related grounds) of the Act.

Nothing in the Family Unity provisions of the LIFE Act Amendments shall be construed to limit the authority of the Service to take any enforcement action (including removal) against an applicant for, or current beneficiary of, Family Unity benefits with respect to any ground of removal not specified above.

Memorandum for Regional Directors, et al.

Page 7

Subject: LIFE Legalization Filings (Adjustment of Status Under Section 245A, as Modified by the Legal Immigration Family Equity Act of 2000 (LIFE Act) and Applications for Family Unity Benefits Pursuant to the LIFE Act Amendments).

Points of contact

Service personnel with questions relating to LIFE Legalization should go through appropriate supervisor channels and contact Elizabeth N. Lee or Suzy Nguyen via cc:Mail. Questions relating to Family Unity benefits should be directed to Elizabeth N. Lee or Rebecca Peters.

Attachments (2)

REFERRAL TO: The Missouri Service Center

Originating Office: _____

The following forms are enclosed:

☐ **I-129F** ☐ **I-131** ☐ **I-485** ☐ **I-539**

☐ **I-690** ☐ **I-290B** ☐ **I-785** ☐ **I-817**

☐ **Other:** _____

Payment:

☐ **Remittance Attached**

☐ **Remittance Deposited at This Office**
(Treat as "Fee Received Elsewhere")

☐ **No Remittance Submitted**

Mail all documentation to:

**Missouri Service Center
P.O. Box 7216
Chicago, IL 60607**

Special note for all LIFE Legalization applicants

- The fee for filing a Form I-485 for LIFE Legalization is **\$330**.
- Mail your completed LIFE Legalization application to:

U.S. Immigration and Naturalization Service
Post Office Box 7219
Chicago, IL 60607-7219

Please carefully read the instructions that follow.

LIFE Legalization Supplement to Form I-485 Instructions

EXCEPT AS NOTED BELOW, THE INSTRUCTIONS CONTAINED ON THE FORM I-485 PERTAIN TO APPLICATIONS FOR ADJUSTMENT OF STATUS UNDER THE PROVISIONS OF SECTION 1104 OF PUBLIC LAW 106-553, LEGAL IMMIGRATION FAMILY EQUITY ACT (LIFE ACT), AND PUBLIC LAW 106-554, LIFE ACT AMENDMENTS.

What is the purpose of Form I-485?

In addition to the other purposes of the form listed in the instructions, Form I-485 may be used by certain class action participants applying for adjustment of status pursuant to section 1104 of the LIFE Act and section 1503 of the LIFE Act Amendments (LIFE Legalization), and title 8 of the Code of Federal Regulations, sections 245a.10-245a.22.

Who may file this application?

You may file this application, either from within or from outside the United States, if you:

- Before October 1, 2000, filed with the Attorney General a written claim for class membership in one of the following three class action lawsuits: Catholic Social Services, Inc., v. Meese, vacated sub nom. Reno v. Catholic Social Services, Inc., 509 U.S. 43 (1993) (CSS); League of United Latin American Citizens v. INS, vacated sub nom. Reno v. Catholic Social Services, Inc., 509 U.S. 43 (1993) (LULAC); or Zambrano v. INS, vacated, 509 U.S. 918 (1993) (Zambrano);
- Entered the United States before January 1, 1982, and resided continuously in the United States in an unlawful status since that date through May 4, 1988;
- Were continuously physically present in the United States from November 6, 1986, through May 4, 1988;
- Are admissible to the United States; and
- Have not been convicted of a felony or of three or more misdemeanors in the United States.

IMPORTANT NOTE: When completing the application for adjustment under LIFE Legalization, you MUST indicate, in Part 2, the classification you are seeking. **Check Block H and write "LIFE Legalization".**

What is meant by "admissible to the United States"?

You must be admissible to the United States pursuant to section 212(a) of the Immigration and Nationality Act (INA); however, there are some exceptions for LIFE Legalization applicants:

- Section 212(a)(5) of the INA (an alien without a labor certification or proper qualifications for certain occupations) and Section 212(a)(7)(A) of the INA (an alien not in possession of a valid immigrant visa) do not apply to LIFE Legalization applicants;
- If you are inadmissible under Section 212(a)(9)(A) of the INA (an alien previously removed) or Section 212(a)(9)(C) of the INA (an alien unlawfully present after previous immigration violations), the LIFE Act allows you to apply for a waiver from within the United States;

- If you are inadmissible under Section 212(a)(4) of the INA (an alien likely to become a public charge), you may still be admissible under the Special Rule. The Special Rule is discussed at 8 CFR 245a.18(d); in short, the Special rule allows the INS to look at an alien's employment history when determining whether he or she is likely to become a public charge. You will not be required to file a waiver application in order to apply for the Special Rule.

If you are inadmissible under any section of the INA for which a waiver is available, you will be required to file a Form I-690, Application for Waiver of Grounds of Excludability under sections 245A or 210 of the Immigration and Nationality Act, with the Service Center Director or district director having jurisdiction over your case.

What evidence should be submitted with the adjustment application?

Each Form I-485 must be accompanied by:

- Proof of identity, e.g., passport or birth certificate;
- A completed Form G-325A, Biographic Information Sheet, if you are between 14 and 79 years of age;
- A completed Form I-693, Medical Examination of Aliens Seeking Adjustment of Status;
- Two photographs as described in the instructions that accompany the Form I-485;
- Evidence that, prior to October 1, 2000, you filed with the Attorney General a written claim for class membership in the CSS, LULAC, or Zambrano lawsuit;
- Evidence that you entered the United States before January 1, 1982, and resided continuously in the United States in an unlawful status since that date through May 4, 1988; and
- Evidence that you were continuously physically present in the United States from November 6, 1986, through May 4, 1988.

Upon receipt of your application, the INS will instruct you regarding the procedure for obtaining fingerprints through one of the INS's Application Support Centers (ASCs) or authorized Designated Law Enforcement Agencies (DLEAs) chosen specifically for that purpose. **You should not submit a fingerprint card when you file the Form I-485.**

Evidence -- General.

You must attach evidence that establishes your eligibility for adjustment under the provisions of LIFE Legalization. Further clarification and examples of evidence that may be submitted to establish your eligibility for adjustment of status under LIFE Legalization can be found at 8 CFR 245a.14 - 245a.17.

What evidence should be submitted to establish class membership application in the CSS, LULAC, or Zambrano lawsuit?

Examples of evidence that may establish that you applied for class membership in the CSS, LULAC, or Zambrano case before October 1, 2000, include, but is not limited to: Employment Authorization Document or other employment document issued by the INS pursuant to your class membership in CSS, LULAC, or Zambrano; INS document(s) addressed to you, or your representative, granting or denying your class membership in CSS, LULAC, or Zambrano; Questionnaire for class member applicants in CSS, LULAC, or Zambrano submitted with the class membership application; INS document(s) addressed to you, or your representative, pursuant to your CSS, LULAC, or Zambrano class membership application (e.g., Form I-512 (Parole Authorization), or denial of such; Form I-221 (Order to Show Cause); Form I-862 (Notice to Appear); Final order of removal or deportation; Request for Evidence letter; Form I-687 (Application for Status as a Temporary Resident-Applicants under Section 245A of the INA) submitted with the CSS, LULAC, or Zambrano class membership application); or any other relevant document(s).

What evidence should be submitted to establish continuous unlawful residence since before January 1, 1982, through May 4, 1988?

Examples of evidence that may establish that you entered the United States before January 1, 1982, include, but is not limited to: Form I-94 (Arrival-Departure Record); Form I-20A-B (Certificate of Eligibility for Nonimmigrant (F-1) Student Status -- For Academic and Language Students); Form IAP-66 (Certificate of Eligibility for Exchange Visitor Status); your passport; or the nonimmigrant visa issued to you.

Examples of evidence that may establish your continuous residence include, but is not limited to: past employment records; Forms W-2; certification of the filing of tax returns; letters from employers; utility bills, receipts, or letters from companies from which you received services; school records; hospital or medical records; rental receipts; personal checks bearing a dated bank cancellation stamp; credit card statements; deeds, mortgages, contracts to which you were a party; or insurance policies.

What evidence should be submitted to establish continuous physical presence from November 6, 1986, through May 4, 1988?

Examples of evidence that may establish your continuous physical presence include, but is not limited to: any documentation issued by any governmental or nongovernmental authority, provided such evidence bears the name of the applicant, was dated at the time it was issued, and bears the signature, seal, or other authenticating instrument of the authorized representative of the issuing authority, if the document would normally contain such authenticating instrument. For example: past employment records; Forms W-2; certification of the filing of tax returns; letters from employers; utility bills, receipts, or letters from companies from which you

received services; school records; hospital or medical records; rental receipts; personal checks bearing a dated bank cancellation stamp; credit card statements; deeds, mortgages, contracts to which you were a party; or insurance policies.

Since you must establish **continuous residence** and **physical presence** in the United States, you are also required to submit a separate statement listing the dates of departure and return of **all absences** from the United States since your entry into the United States before January 1, 1982, through May 4, 1988. If you were not absent from the United States during the period in question, write "I was not outside the United States since my arrival before January 1, 1982, through May 4, 1988."

When can the application be filed?

The application period begins on **June 1, 2001**, and ends on **May 31, 2002**. All applications, whether filed in the United States or filed from abroad, must be **postmarked on or before May 31, 2002**, to be considered timely filed. Applications postmarked after May 31, 2002, will be denied.

What is the application fee?

The fee for filing a Form I-485 for adjustment of status **under LIFE Legalization is \$330. Please note that this is different from the fee listed in the Form I-485 instructions. The fee for filing a Form I-485 for adjustment of status under LIFE Legalization is different from the fee for filing any other Form I-485 adjustment of status application.** If you are between the ages of 14 and 75, there is a \$25 fingerprinting fee in addition to the application fee. In other words, if you are between the ages of 14 and 75, and you are filing a Form I-485 for adjustment of status under LIFE Legalization, the total fee you must pay is \$355.

You may submit one check or money order for both the application and fingerprinting fees. Fees must be submitted in the exact amount. **DO NOT MAIL CASH.** Fees cannot be refunded. Payment by check or money order must be drawn on a bank or other institution located in the United States and be payable in United States currency. If you reside in Guam, check or money order must be payable to the "Treasurer, Guam." If you reside in the Virgin Islands, check or money order must be payable to the "Commissioner of Finance of the Virgin Islands." All other applicants must make the check or money order payable to the "Immigration and Naturalization Service."

If the Form I-485 is submitted from outside the United States, remittance may be made by bank international money order or foreign draft drawn on a financial institution in the United States and payable to the "Immigration and Naturalization Service" in United States currency. Personal checks are accepted subject to collection. An uncollected check in payment of an application fee will render the application and any document issued invalid. A charge of \$30 will be imposed if a check in payment of a fee is not honored by the bank on which it is drawn.

Where should the application be filed?

The application should be mailed to:

**U.S. Immigration and Naturalization Service,
Post Office Box 7219
Chicago, IL 60607-7219**

Interview.

If necessary, interviews will take place at selected INS offices throughout the United States. If you filed your application from within the United States, you will receive notice in the mail concerning the time and place of your interview. If you filed your application from outside the United States, you will receive detailed instructions from the INS concerning the interview process. At your interview you must be able to demonstrate a minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States as required under Section 312 of the INA.

In lieu of this, you may instead present: (1) A high school diploma; (2) A general educational development diploma (GED); or (3) A certification on letterhead stationery from a state recognized, accredited learning institution in the United States that you are attending or have attended such institution. The course of study at such learning institution must be for a period of 1 academic year (or the equivalent thereof according to the standards of the learning institution) and the curriculum must include at least 40 hours of instruction in English and United States history and government. You may submit any of these documents either at the time of filing Form I-485, subsequent to filing the application but prior to the interview, or at the time of the interview (please make sure that your name and A-number appear on any such evidence submitted).

Can an applicant receive employment authorization while the adjustment application is pending?

If you are filing your application from within the United States, and would like work authorization, you may request authorization to work in the United States while your application for adjustment of status under LIFE Legalization is pending by filing Form I-765, Application for Employment Authorization, with fee. You may submit the Form I-765 either concurrently with or subsequent to the filing of this Form I-485. Once the INS has verified through INS indices, a review of your administrative file with the INS, and by all evidence filed by you, that you are/were a CSS, LULAC, or Zambrano class member applicant during the specified time period, you will be eligible for work authorization while your Form I-485 is pending. **If you are/were not a CSS, LULAC, or Zambrano class member applicant, you are not entitled to, and will not receive, work authorization.** If you have already received work authorization under any other provision of the INA, that work authorization will not be affected by the filing of this Form I-485.

Can an applicant travel outside of the United States while the adjustment application is pending?

If you wish to travel outside the United States while your LIFE Legalization application is pending, you should apply for "advance parole" on Form I-131, Application for Travel Document. The Form I-131 must be mailed to the address provided on this Form I-485 Supplement D.

If you travel abroad and return to the United States with a grant of advance parole, the INS will presume that you are entitled to return to the United States. However, if you travel abroad and return to the United States **without a grant of advance parole**, then you may be subject to removal proceedings and may have to process and/or await your application from outside the United States.

Penalties.

If you knowingly and willfully falsify or conceal a material fact or submit a false document with this request, we will deny the benefit you are filing for, and may deny any other immigration benefit. In addition, you will face severe penalties provided by law, and may be subject to criminal prosecution.

Privacy Act Notice.

We ask for the information on this form, and associated evidence, to determine if you have established eligibility for the immigration benefit for which you are filing. Our legal right to ask for this information is in 8 U.S.C. 1203 and 1225. We may provide this information to other government agencies. Failure to provide this information, and any requested evidence, may delay a final decision or result in denial of your request.

Paperwork Reduction Act Notice.

An agency may not conduct or sponsor an information collection and a person is not required to respond to a collection of information unless it contains a currently valid OMB approval number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you. Often this is difficult because some immigration laws are very complex. The estimated average time to complete and file this application (above and beyond the time necessary to complete and file Form I-485, to which this form is a supplement) is as follows: (1) 10 additional minutes to learn about the law and form; (2) 5 additional minutes to complete the form; (3) 15 additional minutes to assemble and file the application; and (4) 30 additional minutes to complete the interview; for a total estimated average response of 60 minutes per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write to the Immigration and Naturalization Service, HQPDI, 425 I Street, N.W., Room 4034, Washington, DC 20536; OMB No. 1115-0239 **(Do not mail your completed application to this address.)**